

# **Naples City Council**

## **February 11, 2016**

### **Minutes**

The regularly scheduled meeting of the Naples City Council was held February 11, 2016, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### ***DATE, TIME & PLACE OF MEETING***

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, and Dan Olsen. Kenneth Reynolds was excused.

#### ***COUNCIL MEMBERS ATTENDING***

Others attending were Courtney Pummell, Trevor Pummell, Tyson Busch, David Hatch, Janessa Dickson, Cable Murray, Bodi Roberts, Mark Watkins, Jim Harper, Joshua Bake, and Nikki Kay.

#### ***OTHERS ATTENDING***

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dennis Long offered the invocation.

#### ***OPENING CEREMONY***

Mayor Baker presented the agenda for approval. Nikki Kay stated that Cable Murray with Timberline Engineering would be arriving late to the meeting and they may need to move his item down on the agenda. Dennis Long **moved** to approve the agenda and to table the discussion with Timberline Engineering until Mr. Murray arrives. Gordon Kitchen **seconded** the motion. The motion passed with all those in attendance voting aye.

#### ***AGENDA APPROVED***

Mayor Baker presented the minutes of January 28, 2016 for approval. Mayor Baker asked Nikki to clarify a statement on page two dealing with the height of the light poles without the logo on the base. Robert Hall **moved** to approve the minutes with that clarification. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

#### ***MINUTES APPROVED***

Mayor Baker asked if anyone had something they wanted to follow up on from the previous meeting. Mayor Baker wanted the Council to know the final walk through for the fire station has been pushed back. He stated he would let them know when they finalize the date.

#### ***FOLLOW UP ITEMS FROM PREVIOUS MEETING***

Connie Patton presented the bills in the amount of \$24,412.16 and asked for an additional amount of \$27.19 to pay Chevron. The total submitted for approval was \$24,439.35. Dennis Long **moved** to approve payment of the bills. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Absent
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

#### ***APPROVAL OF THE BILLS***

A business license application was received from Rev'd Up Auto Service & Custom Garage located at 540 S Wright Bros Drive. Joshua Bakes reported that Dale Peterson visited the business and everything is in order and it was recommended to approve this business license. Dan Olsen **moved** to approve the business license for Rev'd Up Auto. Robert Hall **seconded** the motion. The motion passed with all voting in the affirmative.

#### ***APPROVE BUSINESS LICENSE***

Jim Harper presented an invoice from Jones & DeMille and explained this was the engineer's study on the soft spot of 2500 South that was approved in 2014 but was not completed until 2015. Gordon Kitchen **moved** to approve the final amount of \$3,380.45. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Absent
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

#### ***APPROVE EXPENDITURE FOR ENGINEER STUDY***

David Hatch with Ashley Valley Water & Sewer (AVWS) came before the Council to give an update on the 500 East water line project that will begin in two weeks. Mr. Hatch reported they will be replacing the 6" waterline on 500 East with an 8" line. He told the Council they will be abandoning the 6" line and running the 8" line just outside of the roadway on 500 East. Mr. Hatch said they will also be adding a few fire hydrants along the way. Mr. Hatch said Jim raised a concern about the warranty on the project and he said the contractor will hold the one year warranty that is required for the construction of the project and then anything that

#### ***REVIEW OF 500 EAST WATERLINE PROJECT***

happens after the project is turned over to the District will be AVWS's responsibility.

Joshua Bake said he wanted to public acknowledge Jim Harper and Chief Watkins for their work in earning the Utah Local Governments Trust accountability award. He said Jim has headed up a safety committee and held the required meetings to learn what they needed to do to apply for the grant and they were awarded \$1,160.85 for the Trust Accountability Program. Council members and Mayor thanked them for their efforts in getting this award.

***U T A H     L O C A L  
GOVERNMENTS   TRUST  
A C C O U N T A B I L I T Y  
PROGRAM AWARD***

Joshua Bake told the Council we are losing the usability of the City website. He said it is currently searchable but no one can edit any of the information on it. Joshua said he was able to get in touch with the person who helped create the website but was told he had not worked on it in the last four years and didn't know that he would be of any help. Joshua said at that point he went looking for a company that could create a website for the City at a reasonable cost. Joshua gave the Council information on local and national quotes he obtained for design of the City's website. Joshua said the best proposal came from a company called Town Web Design. He said the company focuses on small communities, easily inputting data, low maintenance, and free unlimited support. Joshua said they checked with several of the references and received positive reviews. He stated the set up fee would be \$500 and if you pay annually then the monthly fee is reduced. The total set up and one year maintenance fee would be \$1,102. Robert Hall **moved** to go with Town Web Design. Dennis Long **seconded** the motion. The motion passed with the following vote:

***CITY WEBSITE PROPOSAL***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Joshua gave Council members a copy of the Jake Brake Ordinance. He stated the Ordinance has been reviewed by Dennis Judd who extended the description out to "Jacob Brakes" and also increased the penalty to a Class C misdemeanor. Chief Watkins expressed his concern with the Ordinance as written because the department does not have a decimal meter and there would be no way to prove violation of the ordinance. He said his officers would have to

***REVIEW JAKE BRAKE  
O R D I N A N C E     -  
ORDINANCE 16-175***

sit in the area where they have concern and watch for violators. He said they don't have time to sit and watch. Chief Watkins said he doesn't have a problem with the ordinance just concerned with the inability to enforce it. Mayor Baker said to have the ordinance in place would at least allow the City to approach UDOT to put up signs stating that jake brakes are prohibited. Chief Watkins also thought the penalty for violation was a little excessive. Gordon Kitchen **moved** to table the matter and allow the Chief a chance to review the ordinance and offer his comments. Chief Watkins said he would have no problem addressing the matter at the next council meeting. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Joshua Bake presented Ordinance 16-176 for Council approval. Joshua explained this ordinance would be adopting the changes to the Land Use Ordinance discussed at the last meeting. He said the changes were just to get everything in the right location in the Ordinance before making any substantive changes. He said the Planning Commission recommended approval of the changes. Dennis Long **moved** to approve Ordinance 16-176. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

#### ***ORDINANCE 16-176***

Joshua Bake said there were two parts to this change of the Land Use Ordinance in the form-based codes. He said the first would be to amend the form-based codes and the second part would be to suspend the form-based codes indefinitely but for a period of not more than one year. Joshua said the roads shown in the form-based codes and on the concept plan for the Downtown area show roads that have to be in a certain area and at a required width. Joshua said the only problem with that is the City doesn't own the property and it's hard to dictate to a private individual where they have to build the road. He said the other issue is the width of the road for the extension of Weatherby Drive which currently requires 100'. Joshua said they want to keep the plan but instead of a set plan it will be a concept plan. He said that would allow for development that would hopefully follow the plan but also allow for the road to move if needed. He said the second part of the change to the Ordinance is to

#### ***ORDINANCE 16-177***

eliminate the required 100' width for the roads. Joshua said this will match the width of the road going in front of the fire station. Councilman Kitchen said he was confused about why they would suspend it indefinitely but then put a time frame on it. He said it might be better if it read to suspend indefinitely but to be reviewed annually. Councilman Kitchen said they would have to suspend it every year the way it is written if nothing changes. Joshua said that is in line with the intent of the Planning Commission. Dan Olsen **moved** to adopt Ordinance 16-177 with those revisions. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Absent
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Council members received the final copy of the consolidated fee schedule with the changes as discussed at the previous meeting. Mayor Baker commented on the map presented for classification of the roads and thought it needed to be updated. He said it doesn't include the Farm Subdivision. Dale Peterson said they can do that yearly as an updated road map for the City. Mr. Peterson said all of the subdivisions are included in the road classification, the map is just not as up to date. Mayor Baker said either all of the roads need to be listed with the classification or the map needs to be updated. Councilman Hall pointed out an error on page five and thought it was just a typo. Mr. Peterson said it was. Dan Olsen **moved** to adopt Resolution 16-288 with the amended changes. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Dan Olsen moved to go back to item six on the agenda. Robert Hall seconded the motion. The motion passed with all voting aye.

Cable Murray with Timberline Engineering came before the Council to discuss the billings they submitted for the 500

***REVIEW CONSOLIDATED  
FEE SCHEDULE -  
RESOLUTION 16-288***

***MOTION TO GO BACK TO  
ITEM SIX - APPROVE  
PAYMENT TO  
TIMBERLINE  
ENGINEERING FOR 500  
SOUTH 2000 EAST***

South 2000 East project. Councilman Kitchen said one of the questions they have is whether or not there was an agreement for this project. Cable said the agreement started with Craig Blunt and was for the engineering design of 500 South 2000 East. He said there was going to be a little bit of construction design but that was it and it set on the shelf for almost a year. He said as the project went along things were added and the opportunity to get rid of a retaining wall and bring in fill dirt was considered, which added a savings to the project but it also meant the design of the project changed. Mayor Baker said he also added changes when he thought it would be better to add curb and gutter to the road. Cable said the project then set through the winter and as they looked at it again it was decided to put in the curb inlet box and instead of doing a sump they would divert the water to the pond at the golf course. Cable said as the scope of the project changed so did the design of the project. Cable said they probably didn't follow up on the paper work with the official change of scope or with an official approved change order. He said everything they did they just billed what they had into it. Councilman Kitchen said the project basically became a by-the-hour project and not a bid amount. Cable said the movement of the power poles also brought changes to the plans of the project which shifts all of the volumes and the fill. The last bill received from Timberline was for \$31,538.32. A bill was also submitted for the material testing at a cost of \$3,017.50. Robert Hall **moved** to approve the Timberline invoices. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Council members thanked Mr. Murray for coming in to explain this. Councilman Kitchen said they were not trying to question Timberline, he said it is their duty as a Council to monitor how tax dollars are spent. Mayor Baker stated his concern about the asphalt. Mr. Murray said they are keeping an eye on it and cautioned them to wait for good weather before they mill it off and lay it back down.

Joshua Bake wanted to review the information he put together regarding the sales tax and expenditures for the City for the last ten years. He said he took the end of year

***REVIEW FINANCIALS***

budgets for the last ten years just to see how the City has grown and how services have improved. Joshua said they have completed some internal budget cuts that will be brought before the Council. He said as an average the budget has been 3.4 million and with the internal budget cuts that is what it will be this year. Councilman Kitchen said he asked Joshua for this information so he could get a better look at how government has increased. Mayor Baker wanted to know if these figures included the years they received loans or grants from the CIB. Joshua stated the figures were from general fund only.

Joshua Bake said the discussion to approve a municipal sales and use tax increase came up a couple of weeks ago and he put in on the agenda again to see if the Council wanted to have any more discussion on it. Councilman Long said there was a discussion two weeks ago on this and it never came up for a vote but he thought, considering what is going on in the economy, the City might need to look at what can be done to keep the City afloat. He said he doesn't like to look at raising taxes. Councilman Olsen wanted to know what they were looking at as far as property taxes. Councilman Hall said he thinks they need to remain the same. Councilman Kitchen said he agreed and this might be a more palpable tax. Councilman Olsen said that was where he was headed. He said a raise in property tax would affect everyone where this would only affect those making purchases in Naples City. Councilman Kitchen said when they discussed this before he caught Joshua off guard and since discussing it with him further he thought it was something they could look at. Councilman Kitchen wanted to know if they would have any chance with this because the deadline for passing it has passed. Mayor Baker said that is why they tried to push and get it through at the previous meeting was so they could work with the State Representatives to get the date changed. Mayor Baker said he did speak with Representative Scott Chew and he seemed willing to try and help. Councilman Olsen said, bottom line, it is probably not going to happen. Joshua Bake said he is an optimist and he is always willing to try. Joshua reported the Town of Alta is also trying to do the same thing. Dennis Long **moved** to pass Ordinance 16-178 and move on from there. Robert Hall **seconded** the motion. Councilman Long said he hates any kind of tax but we need to keep the City afloat. The motion passed with the following vote:

Gordon Kitchen            Aye

***REQUEST FOR APPROVAL  
OF MUNICIPAL SALES  
AND USE TAX -  
ORDINANCE 16-178***

Kenneth Reynolds	Absent
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Joshua Bake updated the Council on the City branding. He reported that he would like to form a small committee and work on getting a mission statement. Some of his ideas were to contact the schools, hold public meetings, brain storm, activities for creating a logo, house parties, and surveys. He stated he also received some contact information from Shane Mayberry about a company who helps with this type of thing based on the budget amount you give them. He said he would keep them updated on their progress.

### ***CITY BRANDING UPDATE***

Joshua Bake said he is currently serving on the trails committee and the UTSSD has applied for a grant to do a master plan. He said as part of this they are holding an event with representatives from the State and they will be coming out to look at potential trails. He wanted to invite them to a mobile tour on the 18<sup>th</sup> from 10:00 - 2:00 and one of the first stops on the mobile tour will be Naples City Park. Joshua stated he would be at the ICSC meeting and encouraged anyone that could to attend the event.

### ***OTHER MATTERS OR FUTURE COUNCIL MATTERS***

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 9:30 p.m. Robert Hall **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

### ***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 25<sup>th</sup> DAY OF FEBRUARY 2016

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_